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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,475	12/18/2000	Larry J. Eshelman	US000349***	4032

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EXAMINER

MAHMOUDI, HASSAN

ART UNIT	PAPER NUMBER
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2175

DATE MAILED: 04/23/2004

16

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/739,475

Applicant(s)

ESHELMAN ET AL.

Examiner

Tony Mahmoudi

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 10, 14-18 is/are rejected.
- 7) ☒ Claim(s) 7-9 and 11-13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.


Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


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TECHNOLOGY CENTER 2100

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Remarks

1. In view of the Appeal Brief filed on 02-February-2004, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. Claims 1-19 are presently pending in the application.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in

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- (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or
- (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 10 and 14-16 is rejected under 35 U.S.C. 102(e) as being anticipated by Blandford (U.S. Patent No. 6,470,449.)

As to claim 10, Blandford teaches a method of generating a diary record (see Abstract), comprising the steps of:

detecting one of a passage of time since an entry of a record into a diary database and a time of day (see column 3, lines 8-11, see column 4, lines 17-20, and see column 6, lines 54-60);

prompting a user to enter a diary entry responsively to the step of detecting (see Abstract, and see column 4, lines 58-59, where "prompting a user" is read on "the user is queried, and see column 4, lines 36-57);

accepting data to form a new record in a diary (see column 4, lines 58-59, and see column 15, line 66 through column 16, line 1, also see figure 24);

adding a new record responsive to a result of the step of accepting (see column 14, lines 30-42, and see column 15, lines 11-15.)

As to claim 14, Blandford teaches a method of generating a diary record (see Abstract), comprising the steps of:

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extracting current events or historical data from an external data resource (see column 4, lines 65-67, and see column 14, lines 49-60);

accepting data descriptive of at least one of an appointment and an event for inclusion in a diary database (see column 4, lines 58-59, and see column 15, line 66 through column 16, line 1);

adding data resulting from the step of extracting to data resulting from the step of accepting to the diary database (see column 14, lines 30-42, and see column 15, lines 11-15.)

As to claim 15, Blandford teaches wherein the step of adding includes accepting user input data indicative of instructions to modify the current events or historical data (see Abstract, and see column 4, lines 17-35, and see column 10, line 57 through column 11, line 18.)

As to claim 16, Blandford as modified teaches wherein the step of adding includes correlating a date corresponding to the current events or historical data with a date diary data entered in the diary database (see column 3, lines 8-11, see column 4, lines 17-20, and see column 6, lines 54-60.)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blandford (U.S. Patent No. 6,470,449) in view of Berk et al (U.S. Publication No. 2002/0049783.)

As to claim 1, Blandford teaches a method of generating a diary record (see Abstract), comprising the steps of:

prompting a user (see Abstract, and see column 4, lines 58-59, where “prompting a user” is read on “the user is queried”), by a calendar/diary application (see column 4, lines 36-37), to enter data relating to the event (see column 4, lines 49-57) for incorporation in a historical record of events pertaining to a user (see figure 8, see column 1, lines 20-22, and see column 2, lines 42-45, where “historical record of events” is read on “archived record keeping”);

accepting user input responsive to the step of prompting (see column 4, lines 58-59, and see column 15, line 66 through column 16, line 1, also see figure 24);

adding a record to a database defining the historical record including at least one of data resulting from the step of classifying and data resulting from the step of accepting (see column 14, lines 30-42, and see column 15, lines 11-15.)

Blandford does not teach:

classifying at least one of audio, video, and text input to a computer and generating an indicator of an event responsively thereto; and the event being unrelated to a calendar/diary application.

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Berk et al teaches an interactive multimedia content builder (see Abstract), in which he teaches classifying at least one of audio, video, and text input to a computer and generating an indicator of an event responsively thereto; and the event being unrelated to a calendar/diary application (see paragraphs 3, 7, 37, and 39, also see claims 9, 11, 15, and 20.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Blandford to include classifying at least one of audio, video, and text input to a computer and generating an indicator of an event responsively thereto; and the event being unrelated to a calendar/diary application.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Blandford by the teachings of Berk et al, because classifying at least one of audio, video, and text input to a computer and generating an indicator of an event responsively thereto; and the event being unrelated to a calendar/diary application, would inspire creativity that allows the user to tell his/her story in an engaging way, by adding photos, sound and video, and then to share that story with his/her family and friends, who can add their own thoughts and perspectives, as taught by Berk et al (see paragraph 21.)

As to claim 2, Blandford as modified teaches wherein the at least one of data resulting from the step of classifying and data resulting from the step of accepting includes data resulting from the step of classifying (see Berk et al, paragraphs 26 and 31) and data resulting from the step of accepting (see Blandford, column 4, lines 50-59.)

As to claim 3, Blandford as modified teaches wherein the event includes writing an email letter (see Berk et al, paragraphs 28 and 39.)

As to claim 4, Blandford as modified teaches wherein the event includes writing a letter on a text application other than the calendar/diary application (see Blandford, figures 1 and 8, and see column 11, lines 56, where "word processor" is taught.)

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blandford (U.S. Patent No. 6,470,449) in view of Berk et al (U.S. Publication No. 2002/0049783), as applied to claims 1-4 above, and further in view of Hayes-Roth (U.S. Publication No. 2002/0005865.)

As to claim 5, Blandford as modified does not teach wherein the event includes a change in a mood of the user.

Hayes-Roth teaches authoring contents for interactive agents (see Abstract), in which he teaches wherein the event includes a change in a mood of the user (see paragraphs 86 and 386, and see claim 23.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Blandford as modified to include wherein the event includes a change in a mood of the user.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Blandford as modified, by the teaching of Hayes-Roth, because having the event including a change in a mood of the user would enable the system

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to take into consideration the user's state-of mind (mood), and be able to target events, articles, items to for presenting to the user according to the user's present mood. An advanced use of the Mood System might be to model the user's mood based on the words they use and then customize the interaction based on what you perceive is the user's state of mind, as taught by Hayes-Roth (see paragraph 86.)

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blandford (U.S. Patent No. 6,470,449) in view of Berenson et al (U.S. Publication No. 2001/0049617.)

As to claim 6, Blandford teaches a method of generating a diary record (see Abstract), comprising the steps of:

accepting data towards the making of a new record in a calendar application (see column 4, lines 58-59, and see column 15, line 66 through column 16, line 1, also see figure 24);

prompting a user for greater detail in an event defined by the record (see Abstract, and see column 4, lines 58-59, where "prompting a user" is read on "the user is queried");

generating a diary record responsive to a result of the steps of accepting and prompting (see column 14, lines 30-42, and see column 15, lines 11-15.)

Blandford does not teach automatically generating a diary record.

Berenson et al teaches a web-driven calendar updating system (see Abstract), in which he teaches automatically generating a diary record (see Abstract, and see paragraph 19.)

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Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Blandford to include automatically generating a diary record.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Blandford by the teaching of Berenson et al, because automatically generating a diary record would enable the system to use data/information entered by a user and generate and/or update an entry in the calendar/diary system based on the user provided information.

9. Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blandford (U.S. Patent No. 6,470,449) in view of Hayes-Roth (U.S. Publication No. 2002/0005865.)

As to claim 17, Blandford teaches a method of generating a diary record (see Abstract), comprising the steps of:

accepting user input data descriptive of personal events to be recorded in a diary database (see column 4, lines 58-59, and see column 15, line 66 through column 16, line 1, also see figure 24.)

Blandford does not teach:

sensing and classifying states, events, or moods of a user or the user's environment;

generating an index responsive to the step of sensing; and

adding the index and the user input to the diary database.

Hayes-Roth teaches authoring contents for interactive agents (see Abstract), in which he teaches:

sensing and classifying states, events, or moods of a user or the user's environment (see Abstract, and see paragraphs 39, 46-51, 84, 86, and 385.)

generating an index responsive to the step of sensing (see paragraph 65, and see figure 1); and

adding the index and the user input to the diary database (see paragraph 389, and see figures 6-7.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Blandford to include sensing and classifying states, events, or moods of a user or the user's environment; generating an index responsive to the step of sensing; and adding the index and the user input to the diary database.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Blandford by the teachings of Hayes-Roth, because including sensing and classifying states, events, or moods of a user or the user's environment; generating an index responsive to the step of sensing; and adding the index and the user input to the diary database, would enable the system to incorporate indicators of the user's mood changes, as well as other event/state variables with the diary records, so that the agent can retrieve contents based on the values of the state variables and user mood/behavior, as taught by Hayes-Roth (see paragraph 389.)

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As to claim 18, Blandford teaches a data medium having instructions thereon for implementing a method for generating a diary record (see column 17, line 66 through column 18, line 14, and see column 18, lines 41-64.)

For the remaining steps of this claim, applicant is directed to the remarks and discussions made in claim 17 above.

Allowable Subject Matter

10. Claim 7-9 and 11-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record, Blandford (U.S. Patent No. 6,470,449), Berk et al (U.S. Publication No. 2002/0049783), Berenson et al (U.S. Publication No. 2002/0049617), and Hayes-Roth (U.S. Publication No. 2002/0005865), do not disclose, teach, or suggest the claimed limitations of (in combination with all other features in the claim):

correlating selected user input from the step of accepting with data in an external data store; and

generating a detailed description of a portion of the data accepted in the step of accepting responsively to the step of correlating whereby additional data from the external data is used to clarify the data accepted in the step of accepting, as claimed in claim 7.

Claims 8-9 and 11-13 are objected to as being dependent from the objected to dependent claim 7.

Response to Arguments

12. Applicant's arguments presented in the Appeal Brief on 02-February-2004 have been fully considered but they are moot in view of the new grounds of rejection.


Conclusion

13. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Tony Mahmoudi whose telephone number is (703) 305-4887. The examiner can normally be reached on Mondays-Fridays from 08:00 am to 04:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached at (703) 305-3830.

tm

April 12, 2004


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